

REGULAR CITY COUNCIL MEETING
JANUARY 8, 1990

PRESENT

Don Dafoe
Wesley J. Bloomfield
Gayle Bunker
Robert Dekker
Robert Droubay
Rex T. Harris

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Dorothy Jeffery
Richard Waddingham
Neil Forster
Rita Byrd
Virginia Taylor
Terry Lisonbee
Jon Lisonbee
Darien Winsor
Bryce Ashby
Gordon Shipley
Michael Styler
Fred Works
Ken Rand

City Recorder
City Attorney
Public Works Director
Public Works Secretary
Deputy City Recorder
City Resident
Boy Scout
Boy Scout
Delta Fire Chief
Intermountain Power Agency
Millard County Commissioner
Millard School District
Millard County Chronicle/Progress

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Special City Council Meeting held December 21, 1989, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections. Council Member Wesley Bloomfield MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any

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comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Wesley Bloomfield MOVED that the accounts payable be approved for payment as listed in the amount of \$66,987.56. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OLD BUSINESS

ATTORNEY RICHARD WADDINGHAM: STATUS OF PERSONNEL POLICY

Mayor Dafoe asked Attorney Richard Waddingham to review with the Council the status of the Delta City Personnel Policy.

Attorney Waddingham reported that an outline of the Personnel Policy has been drafted, but he has been waiting for information regarding Section 89 and the Fair Labor Standards Act.

Mr. Waddingham asked the Council if they wanted to approve the Personnel Policy a section at a time or if they wanted to approve it upon completion.

Public Works Director Neil Forster asked the Council if the City employees would have a chance to review the Personnel Policy before adoption.

Following discussion, Mayor Dafoe instructed Attorney Waddingham to present the Personnel Policy, as is, a section at a time to both the City Council and the City employees with a memorandum attached stating his recommendations for amendments to a section. The Council and employees can then submit their recommendations before final adoption of a section.

The first section of the Personnel Policy is to be considered at the January 22, 1990, Regular City Council Meeting.

ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO BUSINESS LICENSE ORDINANCE REGARDING FOOD INSPECTIONS

Mayor Dafoe asked Attorney Waddingham to review with the Council an amendment to the Business License Ordinance regarding food inspections.

Attorney Waddingham presented a copy of Section 9-111-L. 10 of the Business License Ordinance, which states the following:

If the applicant desires to sell fresh vegetables, fruits, meats, or other foodstuffs, a statement by a reputable physician of the State of Utah, dated not more than ten (10) days prior to submission of the application, certifying the applicant to be free of infectious, contagious or communicable diseases.

Attorney Waddingham said that this ordinance was previously discussed but apparently under an incorrect interpretation. He asked if this particular section was currently being enforced. Mr. Waddingham recommended that if this section of the ordinance is not being enforced, that it be deleted.

Following brief discussion, Council Member Robert Dekker MOVED to repeal Section 9-111-L. 10 of the Business License Ordinance. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any questions or comments regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Gayle Bunker	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

ATTORNEY RICHARD WADDINGHAM: PROPOSED RESOLUTION - INSIGHT CABLE

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed resolution regarding Insight Cablevision.

Attorney Waddingham explained that in 1981 an ordinance was passed granting ACTON CATV a nonexclusive franchise for cable television. Approximately two years ago ACTON assigned that to Insight Cablevision. The contract between ACTON CATV and Delta City expires in two years, however, Insight Cablevision wants to renegotiate a new ordinance this year.

Mr. Waddingham said that he has reviewed the proposed ordinance and said that changes have been made to include new Federal regulations.

Mr. Waddingham also said that he talked with Superintendent Topham, Millard School District, and Jane Beckwith, Delta High School Teacher, regarding the installation of certain cable programs at Delta High School.

Mr. Waddingham said that there is a section in the proposed ordinance which states that Insight Cablevision is to provide for new technological progress and communications, etc., and it

specifically lists governmental entities and school districts. He then recommended that the City Council meet with representatives from Insight Cablevision and encourage them to provide the requested services to the Delta High School.

City Recorder Dorothy Jeffery reported that Insight Cablevision has requested to be on the January 22, 1990 agenda; therefore, this issue will be discussed at that meeting.

ATTORNEY RICHARD WADDINGHAM: ZONING ORDINANCE VIOLATION

Mayor Don Dafoe asked Attorney Richard Waddingham to discuss with the Council a zoning ordinance violation.

Attorney Waddingham explained that Ruben Lazaro is in violation of the Zoning Ordinance by storing and selling wrecked autos and auto parts on his property. He explained the procedure for zoning violations then asked the Council for their recommendations.

Following brief discussion, Mayor Dafoe instructed Attorney Waddingham to begin with the Notice Procedure on Ruben Lazaro.

ATTORNEY RICHARD WADDINGHAM: UTAH LEAGUE OF CITIES AND TOWNS PROPOSAL

Mayor Dafoe asked Attorney Richard Waddingham to report on the Utah League of Cities and Towns proposal.

Attorney Waddingham has not received any further information regarding the resolution and contract from Utah League of Cities and Towns.

COUNCIL MEMBER WESLEY BLOOMFIELD: APPOINTMENT OF PLANNING COMMISSION MEMBERS

Mayor Dafoe asked Council Member Wesley Bloomfield to discuss with the Council replacement Planning Commission Members.

Council Member Bloomfield explained that Robert Droubay's, Planning Commission Chairman, term has expired on the Commission, therefore, an new member and a new chairman need to be appointed.

Following brief discussion, Council Member Wesley Bloomfield MOVED that Rick Moultrie be appointed as a Planning Commission member and that Gary Church, Planning Commission member, be appointed as Chairman, subject to their acceptance. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion.

There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: REPLACEMENT LIBRARY BOARD MEMBERS

Mayor Dafoe explained that Gary Shelton, Library Board member, has moved from the area and needs to be replaced on the Library Board. Mayor Dafoe recommended that Ruth Hansen be appointed to the Library Board to fill Mr. Shelton's term which expires in June of 1992.

Following brief discussion, Council Member Gayle Bunker MOVED to appoint Ruth Hansen to the Library Board to fill Gary Shelton's term. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: REPLACEMENT BOARD OF ADJUSTMENT MEMBERS

Mayor Don Dafoe explained that Gary Shelton, Board of Adjustment member, has moved from the area and needs to be replaced on the Board of Adjustments.

Following brief discussion, Council Member Wesley Bloomfield MOVED to appoint Pauline Warner as the Planning Commission member to the Board of Adjustments and Rochelle Watts as a Board of Adjustment member, subject to their acceptance. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: PROPOSED STREET LIGHT AT 450 SOUTH CENTER STREET

Mayor Dafoe asked Public Works Director Neil Forster to discuss a proposed street light for 450 South Center Street.

Public Works Director Neil Forster explained that a street light is needed at 450 South Center, which is at the intersection in front of the Delta South Elementary School. He said that the cost for the street light would be \$8.00 per month.

Following discussion, Council Member Gayle Bunker MOVED to authorize Neil Forster to install a street light at 450 South Center Street. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESSFIRE CHIEF BRYCE ASHBY: DELTA FIRE DEPARTMENT 1990 ELECTION RESULTS

Mayor Dafoe asked Fire Chief Bryce Ashby to present the results of the 1990 Fire Department Election.

Fire Chief Bryce Ashby presented the following fire department officers for 1990:

Fire Chief	Bryce Ashby
Asst. Fire Chief	Lynn Ashby
Captain	Bruce Curtis
Lieutenant	Hale Jeffery
Sec/Treasurer	Rodger Scoville

Council Member Rex Harris MOVED to approve the 1990 Delta Fire Department Officers as presented. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MILLARD COUNTY COMMISSIONER MICHAEL STYLER: CITY PARK RESTROOM FACILITY FUNDING PROPOSAL

Mayor Dafoe welcomed Millard County Commissioner Michael Styler and asked him to address the Council regarding a City Park Restroom Facility Funding Proposal.

Commissioner Styler said that Millard County has received Community Development Block Grant (CDBG) money in the amount of \$65,000 through the Multi-County Region. Mr. Styler said that Millard County has the option of diverting that money to other entities within Millard County if they will administer the grant.

Commissioner Styler recommended that Delta City submit a written request to Millard County for approximately \$36,000 of the CDBG monies for the construction of a public restroom facility in the City Park. Mr. Styler said that 10% of the funds received can be used for administration fees.

Mr. Styler said that a Public Hearing has been scheduled for Tuesday, January 16, 1990, for the purpose of receiving public comment regarding the use of the CDBG money. He then encouraged the Council to submit a written request for use of the money.

Following discussion, Council Member Wesley Bloomfield MOVED to authorize Mayor Dafoe to write a letter requesting the use of available CDBG funds for the construction of a public restroom facility for the Delta City Park and possibly at the Neighborhood Park. The motion was SECONDED by Council Member Rex Harris.

Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe thanked Commissioner Styler for the offer and for Millard County's consideration of Delta City.

PUBLIC WORKS DIRECTOR NEIL FORSTER: ANIMAL CONTROL PROCEDURE

Mayor Dafoe asked Public Works Director Neil Forster to address the Council regarding Animal Control.

Public Works Director Neil Forster asked Mayor Dafoe and the Council of their intent for Animal Control within Delta City now that, with the transition of law enforcement service, the Millard County Sheriff's Office will not provide that service.

The Council discussed options for animal control; however, following discussion, Council Member Wesley Bloomfield MOVED to appoint Ned Teeple as the Delta City Animal Control Officer with the Public Works Department employees as back up when necessary. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. (See RCCM1-22-90)

Mr. Forster requested that Mr. Teeple be allowed to drive the Animal Control truck to and from work and that a salary increase be considered for Mr. Teeple. He also requested permission to purchase a pager for Mr. Teeple. The Council gave Mr. Teeple permission to drive the Animal Control truck to and from work.

Mr. Teeple's authority to issue citations regarding animal control was briefly discussed. Attorney Waddingham will research the issue and report back at the next meeting.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE AMENDING SECTION 13-512 OF THE REVISED CODE OF ORDINANCES OF THE DELTA CITY (1981 EDITION), AS AMENDED, FOR THE PURPOSE OF INCORPORATING AN ADDITIONAL DEFINITION TO THE CRIMINAL OFFENSE OF ASSAULT

Mayor Dafoe asked Attorney Waddingham to present an ordinance.

Attorney Waddingham presented a proposed ordinance entitled:

ORDINANCE NO. 90-121

AN ORDINANCE AMENDING SECTION 13-512 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), AS AMENDED, FOR THE PURPOSE OF INCORPORATING AN ADDITIONAL DEFINITION TO THE CRIMINAL OFFENSE OF ASSAULT

Following brief discussion, Council Member Wesley Bloomfield MOVED to adopt Ordinance No. 90-121 as presented. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Gayle Bunker	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Mayor Dafoe then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

MAYOR DON DAFOE: COUNCIL MEMBER ASSIGNMENTS

Mayor Dafoe assigned the Council Members the following responsibilities and departments:

Mayor Dafoe: Millard County Sheriff's Office - City Hall

Mayor Dafoe will remain on the West Millard Parks & Recreation Board until the completion of the Racquetball Courts.

Wesley Bloomfield: Airport - Economic Development - Planning & Zoning - Zoning Enforcement

Gayle Bunker: Water - Sewer

Robert Dekker: Streets - Animal Control - City Clean-Up

Robert Droubay: Library - Library Board Member - Parks - Celebrations

Rex Harris: Fire Department - Millard County Fire District Board Member - Irrigation

OTHER BUSINESS

Mayor Dafoe reported that Richard Holm, Tumurru Trades, Inc., has requested to be on the January 22, 1990 agenda to discuss the White Sage Apartment Property.

Discussion was held on an agreement between Delta City and I.P.A. regarding the White Sage Apartment property. Gordon Shipley was in attendance and said that if an agreement cannot be reached between Richard Holm and Delta City for the clean-up of the White Sage Apartment property, I.P.A. will then proceed to bring the property into compliance with the agreement between I.P.A. and Delta City. He said that the basements would be removed, the ground leveled and the property would be sold.

This issue will be discussed at the next Regular City Council Meeting.

City Recorder Dorothy Jeffery requested Council's permission to purchase a new Lanier Recording System and Transcriber. She said that the total cost of the system is approximately \$2,800. She also said that the Juvenile Court has agreed to pay one-half of the cost of the recorder.


Following brief discussion, Council Member Rex Harris MOVED to authorize Dorothy Jeffery to purchase the Lanier Recording System and Transcriber. Council Member Robert Droubay SECONDED the motion. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.


Discussion was held regarding the drainage and road improvements made by Robert Pendray in the Pendray Subdivision, as requested in a Special City Council Meeting held December 4, 1989.

Mayor Dafoe and the Council agreed that the short term improvements are satisfactory and the extension until April 30, 1990, to make the permanent improvements was granted.

City Recorder Dorothy Jeffery said that the health insurance premiums for the Delta City Police Officers have been paid through January 1990 to ensure adequate coverage through the transition.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Wesley Bloomfield MOVED to adjourn. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:20 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 1-22-90